IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6717 OF 2005

S. Avtar Singh Alhuwalia ...Applicant
Vs.
The State of Maharashtra ...Respondent

Smt. Harjeet Kaur for the Applicant.
Shri A.S. Gadkari, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 18, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The Applicant is the first informant in an offence registered under sections 465, 467, 468, 471, 420 of the Indian Penal Code. The grievance of the Applicant is that from April 2005 till 13th October, 2005, the case was fixed before the learned Magistrate for recording of his evidence and on every occasion the Applicant had to go back for various reasons without his evidence being recorded. It is pointed out that the age of the Applicant is seventy-five years and now he has shifted to Delhi. The prayer in this Application is that the evidence of the Applicant should be recorded and concluded on the next date, i.e. on 25th November, 2005. The prayer is also for expeditious conclusion of the trial.

2. After having heard the Advocate appearing for the Applicant and the learned A.P.P. for the State, I find that it is not possible to give positive direction that evidence of the Applicant will be recorded on the next date. However, age of the Applicant and the residence of the Applicant at Delhi are the factors which will have to be considered by the learned Metropolitan Magistrate. It is stated that now the next date fixed is 25th November, 2005. Considering the age of the Applicant and the difficulties faced by him, the learned Magistrate will endeavour to conclude the trial expeditiously. With these observations, the Application is disposed of.

JUDGE